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AUTHOR Ianniello, Raphaella A., Ed.
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ABSTRACT

The four papers in this compilation were drawn from a conference designed to encourage scholars to continue the rhetorical tradition. The first paper, by Robert S. Cathcart, was the opening address of the conference and discusses the "technologization" of rhetoric. Specifically, the paper discusses the application of rhetorical analysis to the mass media. The remaining three papers in the compilation were those most highly commended by a panel of critics at the conference. The first, by Nancy Garabedian, discusses the techniques used by the television news program "60 Minutes" to build a visual ethos. The second paper, by Sharon Occhipinti, examines the attorney's final argument to a jury as a genre of discourse; and the third paper, by Sean O'Rourke, presents situational analysis of the Senate confirmation hearing for Secretary of the Interior-designate James Watt. (FL)

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CONFERENCE IN RHETORICAL CRITICISM 1982

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17th Annual
Address of the Conference and Commended Papers

Sponsored by the Students & Professors of
the Department of Communication and Theatre
Caiifornia State University, Hayward

Raphaella A. Ianniello, Editor
Professor Harold Barrett, Conference Director
Michael Walker, Consultant
Cover by Steele

CS 504 401

On May 7, 1982, California State University, Hayward, hosted students from 13 universities and colleges for its 17th Annual Rhetorical Criticism Conference. Each year this Conference provides scholars with the unique opportunity of having their papers critiqued by a panel of highly qualified, impartial judges. The judges discuss the papers with the authors, returning written comments and suggestions for improvement.

This journal presents the three papers most highly commended by the judges, as well as the opening address of the Conference. Please note that the original works may have been edited or condensed to conform to space limitations.

Through the work of students of rhetoric, their professors, and the editor-critics who donate their time to this effort, the Rhetorical Criticism Conference has become a CSUH tradition. I would like to thank all those who contributed to making this year's Conference a great success.

Raphaella Ann Iunniello
Editor

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STUDENT PARTICIPANTS

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Bailey, Lynn, "Order and Piety: Burke's Humanistic View of Rhetorical Forms," University of Utah.

Bauman, Isabelle, "Strategies of Identification in Pericles' Funeral Oration," University of Puget Sound.

Buckingham, Kim, "The Ethical Nature of Aristotle's Rhetoric," San Jose State University.

Corum, Daniel H., "You deserve a break today: Hamburgers, Archetypes, and the Collective Unconscious," George Fox College.

Fang, Ervin, "A Rhetorical Analysis of the Disneyland Appeal," Occidental College.

Fuller, William H., "Wounded Knee: A Symbol of Defiance," Arizona State University.

***Garabedian, Nancy**, " '60 Minutes': The Building of Visual Ethos," University of Utah.

Hasegawa, Robert D., "Supreme Court Opinions: The Rhetoric of Values," California State Polytechnic University, Pomona.

Healy, Stephen, "President Reagan's First State of the Union Message: Exemplar of Generic Constraint," California State University, Hayward.

Ianniello, Raphaella A., "Scientology: Traditional Christian Appeals Cloaked in Science-Fiction Rhetoric," California State University, Hayward.

***Occhipinti, Sharon L.**, "Toward a Genre of Final Argument," University of Southern Florida.

Ogden, Michael R., "Behind the Persuasion: Arab and American Cultural Values," George Fox College.

***O'Rourke, Sean P.**, "The Fox in the Henhouse: A Situational Analysis of the Confirmation of James Watt," Humboldt State University.

Ratzan, Scott, "A Rhetorical Criticism of President Nixon's Speech on April 30, 1970," Occidental College.

Rogers, Julie W., "The Insulting Mr. Darrow," University of California, Davis.

Stopek, Carrie, "Plato's View of Rhetoric: Toward a Reconciliation," University of California, Davis.

Tice, Stephen, "A Critical View of Letter to the Soviet Leaders: Aleksander Solzhenitsyn," California State University, Los Angeles.

Woods, Gordon J., "Bruce Springsteen: A Rhetorical Impact Report of a Social Critic," California State University, Fresno.

* Commended

CRITICS AND OTHER PARTICIPATING PROFESSORS

Professors

Lewie Bright, Humboldt State University
John Cambus, California State University, Hayward
Kristine Davis, University of Puget Sound
Michael A. DeSousa, University of California, Davis
George Diestel, California State University, Fresno
Richard Engnell, George Fox College
John C. Hammerback, California State University, Hayward
Anthony Hillbruner, California State University, Los Angeles
David M. Jabusch, University of Utah
Gary D. Keele, California Polytechnic State University, Pomona
Robert C. Martin, California State University, Hayward
Larry Medcalf, San Francisco State University
Martin J. Medhurst, University of California, Davis
G. P. Mohrmann, University of California, Davis
J. Gregory Payne, Occidental College
Jack A. Samosky, California State University, Hayward
Gale S. Auletta, California State University, Hayward
Jon Suter, East Central State University, Ada, Oklahoma
Phillip C. Wander, San Jose State University

SCHEDULE OF EVENTS

1:00 Briefing — Speech-Drama Courtyard

Greeting: Daniel S. Prentice, Chair
Department of Speech/Drama
California State University, Hayward

Orientation: Harold Barrett & Janet Wilson

1:30 Presentation of Papers in Sections

Presentation

Comments of Critics

Decision for Commendation

4:00 Reading of Commended Papers to Entire Conference — Robinson Hall 137

5:30 Cocktail Hour at Campus Ministry Center

Master of Ceremonies:
Harold Barrett

Speaker:
Robert S. Cathcart, Queens College
"The Technologization of Rhetoric"

THE TECHNOLOGIZATION OF RHETORIC AND THE NEW CRITICISM

Robert S. Cathcart
Queens College
Department of Communication Arts and Sciences
Flushing, New York

Speaking here tonight is especially pleasurable for it affords me the opportunity to express a great debt that I, and others in the field of rhetorical criticism, owe to Harold Barrett, John Cambus, Bob Martin and California State University at Hayward. First, however, I must mention that for over fifteen years I have wanted to be the speaker for this Conference. While I was at California State University, Los Angeles, Harold told me they wanted prominent speakers from outside the California area. Then, when I moved to the City University of New York, he told me that I was too far away to be invited. Now that I am in San Diego for the year writing a book, I guess I have him trapped. I suspect what really made him reluctant is the fear that I would come forth with some strange theory or concept of criticism; and that is exactly what I intend to do.

Before addressing my concept of the technologization of rhetoric, let me acknowledge what the Conference in Rhetorical Criticism has meant to me and, I am sure, to many others. I attended the very first conference seventeen years ago. It was a quite original and bold idea on the part of the founders to propose that undergraduate students in rhetoric could present serious works at a professional conference. To my knowledge, at that time, there existed no forums for undergraduate student research and writing with the exception of some campus literary journals. Actually, in that period, it was relatively rare to even teach rhetorical criticism on the undergraduate level. It was assumed that students were interested only in learning how to give speeches or argue debate propositions. The study of rhetorical theory and the writing of criticism seemed to be the province of a select few professors and their graduate students.

I can well remember my own doubts about that first conference. But, Harold Barrett and the others brought it off with seriousness and dignity. I was pleased that students could present original works of rhetorical criticism and professors could respond appropriately. Then, when Harold was able to have published the commended papers, the importance of this Conference was firmly established. From that point students began making important contributions to our field. Furthermore, it gave students and professors alike an impetus to further the teaching of rhetorical theory and criticism on the undergraduate level.

Students have told me that working on a paper and presenting it here changed their whole outlook on the study of speech communication. The chance and the challenge to do rhetorical analysis and evaluation for something more than a classroom set them on new paths of study and learning. For me personally, this Conference has served to strengthen my belief that speech students want something more than classes in public speaking and oral interpretation. What I learned at these conferences was of great help to me in writing an introductory text in rhetorical criticism. I will always be grateful to the Conference and to the students for what they have helped me learn about rhetorical theory and criticism.

You may have been wondering what all the aforementioned has to do with "The Technologization of Rhetoric and the New Criticism." The answer is that once again I have found that students were very helpful in alerting me to important new ideas about rhetoric. The students I have in classes these days are different from past students in one remarked way; they have all been born and grown up with television. They have never lived, as I have, in a time without the mass media of TV. They remind me of this when they ask, "What was it like in the olden days? You know, before television?" It is impossible for me to answer, but it does make me know that we have a new rhetoric to deal with.

I'm sure it comes as no surprise to anyone here that we do live in a media world, that we live in the age of technology. One of the commended papers at this conference was a response to our involvement with TV programs such as "60 Minutes." Today, most of what we know about the world, the slow motion war in the Falklands, the Reaganomic budget hustle, comes to us in electronic media packages. The form of public address has changed. What used to be a speaker talking to an audience is now an individual sitting alone in a room staring at an electronic screen. When we talk about ethos and credibility it comes out that Walter Cronkite is still the most trusted man in America. Our factual evidence today is the visual images we carry around in our heads. This speech at this banquet may not really exist because it has not been acknowledged by the all-seeing eye of television.

It is no wonder that at our professional conventions and in our journals we increasingly run into titles like: "A Case Study of M*A*S*H and Its Audience," " 'Hill Street Blues' as a Leader Centered Communication System," "Politics Through Movies: Quest, Community and the American Dream," "The Rhetorical Aspects of Televised Professional Wrestling," " 'Love Boat': A Fantasy Theme Analysis," and "The Rhetoric of the Camera in Television Soap Opera." All of these can be found in this year's

conventions and journals.

The trend towards the rhetorical analysis of messages transmitted via the mass media, whether it be a Presidential News Conference, an episode of "Mork and Mindy," or a sequal to "Raiders of the Lost Ark," has certainly added a new dimension to rhetorical study. If nothing else, it is a lot more interesting and fun to read about "Mork and Mindy" as a recreation of the birth of Christ myth than it is to find out about the uses of logical proof, or lack thereof, in the Presidential Addresses of Ronald Reagan.

What may not be nearly as appealing or so easy is to recognize and accept that, in many instances, we have been imposing a traditional methodology and an outdated concept of speaker-message-audience on a new and greatly altered rhetoric. What I refer to is today's technologized rhetoric and the recognition that technology and mass media are not simply neutral conveyors of symbolic messages between senders and receivers. We must understand that the medium itself infuses the content of the message, creating its own rhetorical situation and shaping the receiver's interaction with the message *and* the medium. The question for rhetorical study in a technological age is not what are the effects of a message; rather it is what constitutes a message? Is it something created by a sender or is it something produced by a medium? I believe that, to date, even though rhetorical criticism has spread its net to include mediated presentations, it has not taken fully into account that the medium itself is rhetorical — that the medium may be the message.

Let me give you some examples of what I mean by a technologized rhetoric and then I will talk about the implications for rhetorical criticism. In 1980, I was asked, along with several other scholars, to observe and critique the speeches at the Democratic National Convention. It was a convention where President Jimmy Carter was struggling for renomination against Senator Edward Kennedy.

This seemed like a fairly straightforward rhetorical criticism assignment. There would be an opening address, a keynote speech, several nominating speeches, an acceptance speech, and, perhaps, a concession speech. It was assumed that in each case there would be a known and visible speaker, who would have prepared a formal address (with or without the help of speech writers), who would actually speak words and display nonverbal signals to an assembled audience of convention delegates and to an unseen audience of television viewers. It was assumed that these acts would produce some results; that is, there would be some predictable interactions among the sender, the message and the receivers. Moreover, it was assumed that a critic could treat these discourses as either discrete message units or could analyze them all as part of a single message or message genre.

Given these assumptions a rhetorical critic could focus on the situation which required a rhetorical response, or could examine rhetorical strategies, or could explain the "ideographs" which unified the audience, or could reveal the dramatism which produced identification, and/or could locate the rules which governed these speech acts. What is missing from these traditional assumptions about rhetorical discourse and its criticism, and what gave meaning to the Democratic National Convention is the role of media in creating an event for the entertainment and enlightenment of consumers of media.

Whenever we begin rhetorical analysis of the mediated events with the disclaimer that the media are simply neutral transmitters of rhetorical messages, then we have an entirely different approach to rhetoric than if we begin with the question, what is the media event and how does the rhetoric of technology infuse that event with meaning?

A suitable analysis of the Democratic Convention would begin with the fact that a ritual — Political Party presidential nominations — was taking place with which the media could interact. I will forego the possibility that the media could create an entirely fictitious convention as it did for the movie, "The Candidate." Next, we could recognize that the 1980 Democratic convention *had* to be covered by the mass media; not just because it was a newsworthy event, but because it invited media coverage. Many important persons were gathered in one place. It had action. It had conflict. It had a resolution. And, most of all, it could be captured by the lens and microphone. In other words, it could be packaged and sold to the sponsors. It could be sold in the same way as a superbowl football game or a Frank Sinatra TV Special.

Coverage by all three major TV networks, the presence of those TV "eminences," Cronkite, Chancellor and Moyers, along with the pre-empting of prime time, insured it would be an attractive media package no matter what any individual speaker said or did. The presence of almost 200 cameras, the construction of huge camera platforms all over the hall, spacing the seats and aisles for quick access by portable camera crews, creating throne rooms high in the rafters for the commentators, and painting the whole place television blue should tell us that this convention would be a media message rather than a political event.

In addition, the decision by the three major networks to offer continual coverage made America into an audience. Of course, you and I could turn off our sets or watch old movie reruns, but the networks' decision meant that millions of Americans would become involved with the convention simply because evening television is a necessary component of their daily lives. In other words, most Americans became part of the event.

The question I needed to raise as a rhetorical critic assigned to that convention was, *what was the message and who was sending it?* Obviously, in such circumstances, television is not an unbiased transmitter of the speeches

being spoken from the convention platform. We must remember that it was not a single camera with open lens and microphone pointed at the speaker, taking in everything said and done and carrying the unedited image directly to our eyes in our living rooms. Dozens of cameras and crews, directors and technicians, both inside and outside the convention hall, were presenting a kaleidoscopic montage of speaker and delegates intercut with scenes of Cronkite and Brinkley saying, "Well that was nothing new" or "That's what the delegates were waiting to hear," intercut with a 15-second shot of a Kennedy aide saying that Kennedy would have no comment, and more shots of Rosalyn and Amy arriving in their limousine surrounded by secret service men. Again I would ask, what or where is the rhetorical message for the critic to focus on? Who's creating that message? What information is being received?

To the degree that I and the other critics treated the convention speeches or their published texts, taken together or individually, as the rhetorical act, we failed to deal with the important rhetorical transaction which transpired between the media and the public. Take for example, the speech I was assigned: Representative Morris Udall's Keynote Address. In the pre-technological age, the nominating convention keynote address was just that — the key discourse rallying diverse delegates and giving direction to the convention as a whole. The selection of the speaker had tremendous import and the meaning of the spoken message provided a potent source of identification for the 48 or 50 diverse delegations. In 1980 , Udall, a well-known member of the House of Representatives, did personally prepare a speech, of appropriate length organized around important ideas, using recognized language and gesture, did stand at the dias and direct his voice towards the delegates in a manner we recognize as a public speech and designate a "keynote address." In other words, there appeared to be what we critics think of as a traditional rhetorical message in response to a rhetorical situation. I even have a printed manuscript and a videotape of that performance to prove its existence. But again, I come back to the questions, what was the message, who was the sender, what was perceived?

You could, as I did, examine Udall's discourse as an artifact, much as one could hold up a tiny computer chip, turning it over and over, admiring its compactness, its potential, or fretting because it contained only 1,000 bits instead of 10,000 bits. You might say something important about that chip, but it wouldn't tell us anything about the computer it came from, much less what effects the computer was creating. The same is true for Udall's address. Evaluating his tired jokes, his lack of development of ideas, even proving that his speech was or was not within the genre of keynote speeches, would not reveal how the media rhetoric was working. It would not tell us how the media had determined that there would be a keynote speech and that it would be of no importance.

If we look at the rhetoric of the media presentation we will see that Udall's speech was a needed piece of the media mosaic — a ritual piece fitted into a scene providing visual and aural background for the foreground images upon which the cameras wanted to focus. The fact that the speech was scheduled for a time later than prime time told everyone that nothing important was going to transpire. It is a simple fact of modern technical life that important messages can occur only during prime time. All events at other times are, by TV definition, not prime. An analysis of the camera shots during Udall's talk — the constant cuts to the commentator's booths, the port-a-pak shots chasing Carter and Kennedy aides down the halls, the lingering close-ups of delegates sleeping and playing cards, the slow pans across a two-thirds empty convention hall, told the not-ready-for-prime-time-viewing audience that Udall's address was background music; sight and sound necessary to the maintenance of the ongoing television event. Perhaps Udall sensed this and that is why his keynote speech was notably dull and uninspired. Or, perhaps, *mediated* nominating conventions make all keynote speeches dull and uninspired.

But, you may say, wasn't there a really important speech at that convention; that rousing, powerful message delivered by Ted Kennedy when he conceded to Carter? It certainly was gripping and it certainly caught the attention of the news press. But even in that case it is important to first ask what was the message presented? Which message was the Kennedy speech? Was it the words he spoke at the convention, the manuscript hurriedly written and released to the press, or that which was constructed by the TV cameras.

A colleague at Queens College has made a careful analysis of what we heard and saw on our TV screens. The study reveals that in the 33 minutes that Kennedy spoke, the TV cameras presented us with 181 shots. Only 52 of those shots were focused on Kennedy. Those 52 shots of Kennedy, however, were more, at greater length, and with more close-ups, than were the shots shown of any other convention speaker including President Carter giving his acceptance speech. The other 129 shots were all reaction shots, quick cuts focusing on delegates who were animated and emotional in their responses. There were no cuts to the wise old commentators, to outside the convention hall, or to Carter's convention headquarters. There is every reason to believe that this camera work created an intimacy between Kennedy and the convention delegates which became part of the message to the television audience — a message quite different from the one Kennedy thought he was presenting and the one the delegates were receiving.

Can the rhetorical critic afford to believe that any of the convention speeches existed apart from the media? Can the critic ignore the convention as a mediated event constituting something more than a news presentation and just focus on the object? If so, what is to be done with the fact that one network cut and respliced some of its video footage so that the media convention appeared in a different order from the one which took place in the hall?

Let me move on to one more example of what I mean by technologized rhetoric and the challenge it presents to the rhetorical critic. We all know that 52 Americans were held hostage in Iran for 444 days. I'm sure that your head, like mine, is full of images of blind-folded hostages, chanting, howling Iranians in front of the American Embassy, posters with an enigmatic Khomeni staring out at us, images of a concerned President Carter, the anguish on the faces of the hostage families, repeated shots of Undersecretary of State Warren Christofer embarking and debarking from airplanes in Algeria, yellow ribbons, parades, etc. The hostage situation was an ideal prime time television event. It had suspension, pathos, the irony of a Greek tragedy, and villains and heroes aplenty.

The sheer amount of television and other media coverage made every American party to it. Some of you probably came to know the families of the hostages better, and have more compassion for them, than your immediate neighbors. But what was it that we knew and felt? How were we to make sense of that media information overload, none of which could be checked and verified first hand with our own senses? Did it all really happen, or was it just 450 episodes of "Mission Impossible"? Despite, or because of, the media coverage, someone had to make sense of it for all of us. The situation called for a rhetorical message, one which would put it all in perspective, establish the social reality that we could live with, and put an official stamp on it. Interestingly, it was not ex-President Carter, or new President Reagan, or the Secretary of State, or any other traditional symbol of the establishment who made it "real." Rather, it was the ABC Broadcast Network which performed this essential rhetorical function.

Just two days after the release of the hostages, ABC aired a three-hour television special entitled, "America Held Hostage." It was narrated by ex-White House Aide and current TV news analyst Pierre Salinger. Salinger and 80 ABC staff members had worked around the clock for five weeks in anticipation of the release of the hostages. When it came, Salinger, ABC and the TV broadcast industry were ready to deliver the message the situation called for.

Let me read to you part of a fascinating rhetorical analysis of that program by Bernard Timberg of the University of Nebraska, Omaha:

> The narrative structure of "America Held Hostage" is simply laid out. It has one kind of narrative texture on the level of the story itself — the "what happened" part of the story. It has another kind of narrative texture in the formal means by which the story is told through the medium of television.
>
> In terms of the media story Salinger is by no means merely the removed newsman relaying the facts, nor simply another Olympian news commentator. At one point he actually enters the visual frame of the story he is telling (we see him walking with the French lawyer Bourget). More generally he is an unseen hand behind every scene. We have numerous close-up interviews with the cast of the thriller Salinger narrates, but we never see the interviewers. This adds to the perception of Salinger as the force who pulls all the strings of the story. Salinger's narrative TV persona is further underscored and set off from the traditional news anchor by the setting in which he is placed. He is seated before an elegant marble fireplace that radiates Old World luxury and elegance. A single candle and candle holder are seen to his left on the mantle and an 18th century clock is to his right. This high-style proscenium is quite distinct from the banks of monitors, teletype machines, and maps that decorate traditional news programs and it lends credence to the idea that Salinger himself belongs to the private worlds of palace and luxury hotel where high finance and diplomacy really take place. He appears to participate in the worldly intrigue he is about to explain to us.
>
> In other ways too we come to learn that Salinger has special powers. Introduced by Hugh Downs, Salinger sits in the posture of a news anchor and declaims in the anchor's steady, insistent authoritative voice. Yet he compares his story to fiction and he assumes the diction of a narrator who holds in his hands the fates of the "characters" he introduces. ("Hamilton Jordon, who would become the motor force in Carter's efforts"; Sadegh Ghotbzadeh, who "would make an all-out effort to get the hostages released, finally ruining his career and putting his own life in jeopardy"; Kurt Waldheim, who "would panic . . . and mislead the United States on what he had done.") The use of the future subjunctive establishes Salinger's god's eye view of the story in time — like Boethius' Godshead, his present includes the past, present, and future of the men in the story. Salinger's rapid, world-striding display of key locales demonstrates his omnipresence as narrator (the Spanish Steps of Rome, a villa along the Nile). Along with the leaping tense comes the narrator's role as moral arbiter — as judge of the causes, effects, and sins of omission and commission by the various characters involved. Some are heroes (Jordon, Ghotbzadeh), some are goats (Waldheim). Salinger is also something of a magician — he comes up with secret documents; he can penetrate heretofore impenetrable walls of international secrecy. And finally, he is the detective who is poised to put together finally the pieces of a giant jigsaw puzzle, ready to reveal, "in detail" and "for the first time," the true inside story of the secret negotiations.

Timberg proceeds to analyze, almost frame by frame, the entire production. It is truly a remarkable piece of criticism.

I am not saying that ABC's message was the best, the only, or the final rhetorical act necessary to the resolution of the Iranian hostage situation. To date, however, we have had no government version of the "true story." Books written by the hostages have yet to reach the number of people and with the same impact as did the TV special. My point is that what we think of traditionally as rhetorical transactions needs to be altered and expanded to include the media forms which every day persuade us that the world is the way the cameras present it.

The new criticism must begin, I believe, with the acknowledgement that the most influential and persuasive acts do not exist apart and separate from the media which bring them to us. We must accept that every rhetorical critic must be also a media critic. By that I do not mean that everyone has to study broadcast journalism or film aesthetics — many mass media theorists and critics miss the important thing — the rhetorical construction of social reality — and concentrate instead on media production, regulation and ownership. The rhetorical critic must understand how a mediated channel of communication shapes the message through the kinds of information it selects, the kinds of information it cannot transmit, and the kinds of audiences it is accessible to. It helps to grasp my meaning if you ask yourself what is communicated to whom when an anti-nuclear demonstration is presented on television, on radio, in the newspaper and in a motion picture film.

The new criticism requires that we recognize how certain concepts of the form of rhetoric have changed. For example, our notions of evidence and argument have been altered by technology and mass media. The traditional use of oral argument as a set of rules for working out agreements about what is reasonable is rapidly losing its preeminence in a world where the simultaneity and repetitiveness of mass media images leave no room for argument about what is believable. When 400 million people, all at the same moment, see Armstrong take that first step on the moon, and when that same image is repeated a thousand times, there is precious little room for argument and no need to produce additional evidence.

In a forthcoming book, *The Interplay of Influence*, Karlyn Campbell and Kathleen Jamieson point out in some detail how the mass media have altered traditional concepts of audience in both theory and practice. They show the effect, for example, on political campaigning where now the television delivers candidates to individual viewers who react in their own private space, instead of the old method of individuals being transported to candidates and made into an audience on turf designated and controlled by the candidate.

The new criticism calls for us to understand also that the media do not produce effects just on receivers. They have great impact on those who would originate messages. For example, a former student of mine has been carrying on a study of presidential primary campaigns and has found that most nominees, in the early primaries, are campaigning against the media rather than each other. He points out how the media's treatment of who is the front runner, how much a candidate must win by to be a real winner, etc., requires that candidates actually campaign against these artificial realities constructed by the mass media.

Therefore, we as critics must also change some of our traditional ideas about the functions of rhetoric. Originally, in ancient Greece, rhetoric was conceived of as a way of dealing with scarcity. It was the art of apparent demonstration in highly probable situations. Early on it was the job of the rhetor to convince listeners that his construction of reality was accurate through the means of persuasive reasoning employed because there was little evidence or experience to demonstrate claims with certainty. Today rhetoric is operating in a world of information *overload*. We see and hear too much. Everything is demonstrated before our eyes, even things we don't want to see. The job of rhetor in this technological world is to get us to disregard certain kinds of information; to persuade us, for example, that the unemployment lines we see on TV should not be looked at or even shown, but that other kinds of information carried to us in larger paychecks and lower inflation rates are what we should be attending to. Needless to say this places a premium on a different form of reasoning from that which demonstrates that which cannot be seen. If you don't think the media have produced new forms of persuasive evidence and reasoning, just ask yourself what is the logic that makes commercials so influential?

I have mentioned already the importance to the critic of camera shots, voice-overs, and montages in structuring media messages and I could go on to talk about things like "media time" — the effects of thousands and thousands of thirty-second and one-minute messages about the budget battle, the missile gap, or the Salvadorian situation. And about "media space" — is Ronald Reagan on the ranch, in the White House, or in our living room when the videotape presents his latest anecdote? All of these things and many more are important to a realization that we do have a new technologized rhetoric and we need a criticism appropriate to it.

I will conclude by saying that we should be neither dismayed nor demoralized by the challenge of this task. The new technology and the pervasive mass media are not monsters to be slain by the weapons of a pre-media world or to be dismissed by the claim that everyone else but ourselves is influenced by television and movies. Rather it represents a challenge to do what critics have always done; to analyze humans as they strive to perfect their communication, yes, even when they package it, computerize it, and bounce it off satellites. The critic must analyze how rhetoric is operating to create meaning and unity, must synthesize the art necessary to its performance, and must evaluate its outcomes. Criticism has become more complicated in our media world but then so has our understanding of what it means to be a human being in a vast universe.

"60 MINUTES"

The Building of Visual Ethos

Nancy Garabedian
University of Utah

Thousands of viewers tune in "60 Minutes" each Sunday evening to watch Mike Wallace, Ed Bradley, Harry Reasoner and Morley Safer investigate issues of public importance. One reviewer attributes the high ratings and long-running popularity of "60 Minutes" to the "personalized presentations by well-known correspondents."[1] In trying to understand the image conveyed by these reporters, we can look at the visual means of persuasion to examine how ethos is advanced. Qualities of both the reporters and subjects can be conveyed visually. Therefore, we might ask: Are there some visual elements operating within the program that heighten the ethos of the "60 Minutes" reporters? To what extent is interviewer credibility enhanced by visual rhetoric? Techniques such as camera angles, shot transitions, shot sequencing, and lighting were examined to determine how they contribute to the building of ethos in "60 Minutes."

To research this problem, ten programs were reviewed from November 1981 to March 1982. Typically, a "60 Minutes" program consists of three stories. Two features are usually serious and investigative in nature, while the third is more light-hearted and entertaining and less "pursuit-oriented." Those investigative stories in which the reporter addresses subjects of acute public interest comprised the sample for this study.

Perhaps the first thing to consider is that there are some elements operating in the interview experience which work to the advantage of the "60 Minutes" reporters. The "60 Minutes" production personnel, as is necessary and obvious, maintain control for the overall style and content of the story. This provides the opportunity to visually structure the program to build ethos, an opportunity not available to those who are interviewed.

Adding to this advantage is the relative experience of the people on camera. Wallace, Reasoner, Safer, and Bradley are experienced, professional newscasters, quite accustomed to being on-camera. Those that they question may have very little, if any, experience in front of a television camera. They are injected into an unfamiliar situation and context — a context which can be quite intimidating. Any given television taping situation includes an abundance of equipment and people. There are directional, intense lights and microphones hung just a few feet above the subject's head. One or more cameras are positioned close to the conversation area. To make a dyadic conversation appear natural on the screen, subject and interviewer are placed unnaturally close together in the set. Finally, there may be as many as eight crew members working just outside the circle of conversation. To the experienced correspondent, this is the natural working environment. To the inexperienced interviewee, this may be a strange, uncomfortable, and even intimidating atmosphere.

The taping of the investigation, then, begins in an imbalanced context. The question now becomes: Do the producers of "60 Minutes" try to minimize and even counterbalance their advantage, or do they "play it to the hilt" visually, using the uneasiness factor to advance their own ethos? Michael J. Arlen, in a *New Yorker* article, notes that:

> "Much of what sustains the popularity of the program is clearly the thrill of the chase which comes from watching a subject being pursued by tough questions on the air — especially a subject who has already been defined for the audience as a bad guy. The program is bound to be on the lookout for situations that will provide this thrill of pursuit, and for interview subjects who can be made to serve, willingly or unwillingly, as bad guys . . . ."[2]

Camera shot selection is one of the most blatant techniques used to advance the reporters' ethos and detract from the subjects' credibility. From the programs observed, the reporters seldom, if ever, appear in a close-up shot (from the neck up). They are portrayed in either medium shots (from the waist or shoulders up) or in long shots (showing most of the person). However, the persons under questioning are more often than not shot in a facial close-up or an extreme close-up with the face filling the entire screen.

These consciously chosen fields of view carry implications of meaning when juxtaposed in sequence. With a close-up shot, we are able to observe every facial reaction made by the interviewee to the accusations being brought against him. Inherently, the close-up focuses viewers' attention and would appear to carry with it the tacit message that this isolated, singled out element — the face — is important and should be attended.

Several television aestheticians comment on the meaning of a close-up. Herbert Zettl maintains that the close-up is an especially effective intensifier in a quandry of indecision or a moment of extreme fear.[3] Gerald Millerson notes that in a very close shot the tensing of a facial muscle is quite

pronounced and powerful.[4] Thomas Burrows and Donald Wood note that the close-up shot can probe the individual, since the eyes and facial expressions provide an important insight into the full meaning of a person's words.[5] Green suggests that the camera becomes a psychological x-ray machine in a close-up.[6]

Several authors have written on the potential impact of facial expressions. Ekman and Friesen note that the face is often read by others as a reflection of inner feelings and how that person is coping with a particular situation.[7] They describe what happens when a person tries to conceal his true feelings — expressions are awkward, facial movements are inappropriate and poorly timed.[8] Such gestures may be picked up by the viewer, especially when they appear in a close-up. Experimentally, Mehrabian and Ferris determined that faciai component expressions had a strong impact on observer judgments.[9]

The point to note is the distinction that is established between those being interviewed and those conducting the interview. As noted, the target of a "60 Minutes" interview is typically depicted in a close-up shot, allowing and directing the viewer to scrutinize the face. This is in sharp contrast to the reporters who appear in medium shots — they are clearly not under questioning and scrutiny. This shooting strategy serves to advance both positive and negative ethos. The CBS correspondents may be seen as the objective and stable interviewers while the subjects are seen as "caught" in their own corruption, as evidenced by their uneasy facial expressions and reactions.

We can examine this technique used in one interrogative story broadcast March 7, 1982. The story focuses on the February 1982 shutdown of a General Electric iron plant in Ontario, California, causing many job layoffs and unemployment problems. Three segments are examined.

(1) Mike Wallace speaks with General Electric's local spokesman, Al Kennel.

Medium Shot	Wallace:	"Progress may be your most important product, but where does the human factor come in this progress?"
Extreme Close-up	Kennel:	"Well, the business has to, has to offer the products . . . "

(2) In a later segment Wallace interviews two professors who have completed a study on plant closings. Each professor is shown in a medium shot. Again, they are depicted in shots which emphasize their knowledgability, their competency, their credibility.

(3) Wallace speaks with executive vice-president of General Electric, Frank Doyle.

Medium Shot	Wallace:	"How will you make a bigger profit in Singapore and Mexico and Brazil on manufacturing your iron than if you made it in Ontario?"
Close-up	Doyle:	"We've never made a direct head to head comparison on those two."
Medium Shot	Wallace:	"Well, let me do it for you then. Is eight dollars, nine dollars an hour a reasonable figure for the worker in Ontario, the union worker?"
	Doyle:	"That's our average pay, yes."
Close-up of Doyle	Wallace:	"Is the dollar nine in Singapore, two thirty-one or two thirty-seven in Mexico and a dollar seventy-three an hour in Brazil a reasonable figure?"
	Doyle:	"Those are approximately our payroll scales."[10]

Doyle is in a steady close-up. We watch his face grimace and react as he tries to defend against the accusations made by Wallace. Most likely, the viewer picks up on the awkwardness of expression shown by Doyle, which may lead to the belief that Doyle is at best covering up and at worst corrupt and lying. In short, Doyle's stature and credibility may be diminished, while Wallace's and the two professors' are increased.

Also contributing to impact is the camera transition that brings the close-up to the screen. In all cases of reporter shots in the sample examined, a cut, or instantaneous switch, is executed to arrive at a medium shot. No camera movement is done on air. However, in the case of the interviewees, it is not unusual to start with a medium shot of the inteviewee and then zoom-in to a closer shot.

Zettl maintains that a fairly fast zoom-in on an event detail can be even more compelling than a simple cut to a close-up — the event is literally pushed into the viewer's lap,[11] and is intensified for the viewer.[12] Millerson notes that zooming tends to fling the subject at the viewer, with the effect of being dramatic.[13] Burrows and Wood state that with the zoom the viewer's angle of vision is narrowed down to exclude unwanted material; thus a sense of concentration is achieved without physically moving the viewer.[14] Experimentally, Aker and Tiemens found that transformations in image size from a medium shot to a close-up via a zoom create a more compelling experience for children than does a cut transformation. Adult viewers may be similarly influenced by these techniques.[15]

We witness this technique in a March 14, 1982 story concerning project manager, William Bell, in the radar division of the Hughes Aircraft Company in Playa del Ray, who released top secret radar plans to Poland.

Medium Shot	Wallace:	"But you sold out simple as that for cash, for greed?"

Cut to Medium Shot of Bell during Wallace's question. Then Zoom-in to an Extreme Close-Up during Bell's answer.

	Bell:	"Yes, sir. I did." [16]

The event appears to be intensified as we concentrate on Bell's reaction.

Perhaps the most significant 'power play' "60 Minutes" can exhibit is through post-production editing. Being able to sequence at will and rearrange shots gives "60 Minutes" tremendous leverage in the final impression left on the viewer.

Peter Funt, in a *Saturday Review* article, gives insight into the taping process of "60 Minutes."

> "Those who have fallen victim to the "60 Minutes" techniques are often startled when the interview ends and the camera is turned around to shoot so-called "reverse questions." With the camera aimed at him the reporter rerecords all of his questions so that they may later be spliced together with the answers. There is no denying that the reporter is allowed to polish his performance, while the interview subject's answers must stand as first delivered. Reverse questions, along with other random shots of the reporter nodding his head or writing in his notebook, are also recorded and used as "cutaway" or supplementary shots to be interspersed in the sequence... A producer who has worked on "60 Minutes" says that on more than one occasion he watched Mike Wallace record an interview during which Wallace smiled and encouraged the subject to continue talking, only to insert cutaways in which Wallace has a stern, doubting expression, in effect changing the mood of the piece." [17]

In the visual outcome, the reporters almost always appear poised and self-assured in their carriages, never caught off-balance or ill-at-ease. Their bodily attitudes and physical postures show that they are alert, attentive, and composed. On top of their great professional experience, the reporters are able to record their comments out of the tense vibrations of the live interview, a luxury not afforded to the subject. It is not uncommon for a very quick long shot to be included which shows the subject sitting or moving about in a nervous, uneasy, or fidgety way. When asked a question, the interviewee must think of an answer rather quickly on the spot — or rather on the camera. We watch the subject in a tight close-up as he mumbles and gropes to find the right words. The visual comparison we end up with is a well-polished, rehearsed performance by the reporter, juxtaposed to an unrehearsed, unrefined delivery by the subject. Research by McCroskey indicates that delivery has an additive effect on credibility in that good delivery can increase credibility (as in the case of the reporters), while poor delivery can reduce credibility (subjects).[18]

This comparison is utilized in the selection and insertion of reaction shots. Hence, in the sample examined, while the subject speaks we often see shots of the secure and confident Wallace. When Wallace speaks or asks a question, shots of the subject appearing to be uncomfortable and uneasy are inserted. The reaction shot may have the potential to be a persuasive device in that it reveals by implication, rather than direct reportage.[19] The reaction shots used by "60 Minutes" take advantage of the many elements working in the reporters' favor. Ethos may again be established and reaffirmed.

Adding to the reporters' polished performances is the on-camera preparedness they exhibit. They are portrayed as being "ultra-prepared," always on top of things and ready with the available facts and documents to support their accusations. All but a few shots in the sample examined show the correspondents equipped with pads and pencils. We get the impression that these men are hardworking and competent journalists, doing their best to uncover the real story. This "journalist in action" image may be used to elevate ethos.

In a related aspect to editing and reporter preparedness is the technique of revealing the tangible evidence to the one under accusation. The technique of revealing the tangible evidence to the one under accusation is related to editing and reporter preparedness. Although McCroskey's research on the effects of evidence indicates that the inclusion of evidence has no significant effect when presented by a highly credible source,[20] this may not hold applicable in a different context. Perhaps in a televised presentation, the maintaining of evidence aids in heightening the commanding role of the reporter — what he says and does, backed by visible evidence, may carry substantial weight and advance ethos.

A typical sequence utilizing evidence might first depict the reporter in a medium shot advancing some accusation, followed by an extreme close-up of the piece of evidence. For example, in a November 22, 1981 story concerning unfair sales practices, Wallace interviews a company executive accused of arranging illegal agreements.[21] We see Wallace in a medium shot as he turns on a small tape recorder in his hand and we hear a recording of the sales pitch. We then cut to an extreme close-up of the executive as he reacts nervously to the recording... then a cut to a close-up of the tape recorder in Wallace's hand —the evidence!

In another November 22 story concerning the poisoning of 700 cows, Ed Bradley questions a government official about his knowledge of the crime.[22] The camera shoots over Bradley's shoulder as he questions the official. As the narrator (Bradley's voice-over) refers to special documents, we zoom-in to an extreme close-up of the papers on Bradley's lap. The voice-over reads the very words on the document — the evidence! We cut to an extreme close-up of the official as he reacts nervously to the uncovering of the documents.

More important, perhaps, than the evidence availability is the sequence in which it is presented. A close shot of the indisputable evidence juxtaposed to an extreme close

facial shot of the interviewee reacting uncomfortably or defensively to the situation may implicate the subject to the crime. Viewers may assume that since the accused is reacting so unfavorably and nervously to the evidence he must be guilty.

Two other interrelated shooting strategies help to establish the reporters as credible in the viewers' eyes. Throughout the features, many shots are taken looking over the reporter's shoulder at the person being questioned. This type of shot is used most often during a seated interview. Occasionally, in a moving shot, the camera will shoot from just behind the reporter as he walks toward someone or enters the office of someone to be questioned. We, as the audience, follow on the reporter's heels as he enters the room. This is a modification of the subjective camera technique.[23] In this technique, the camera assumes the role of the reporter. We can identify with the camera, assume the camera's point of view and participate directly in the event, feeling both psychologically and physically that we are the reporter. In the case of "60 Minutes," what we are seeing now, as we peer over the reporter's shoulder to observe the subject, is before our very eyes. Hence, the image of the reporters may be attributed with an added sense of empathy and believability.

Finally, all stories open and conclude with the reporter seated in a rather executive-like chair, immersed in a pool of light. This technique of pool lighting is known as cameo lighting in which the subject appears bright against a dark background. Cameo lighting concentrates the viewer's attention on the performer and helps to establish and emphasize a mood.[24] It carries with it a serious, somber psychological mood. This highly selective lighting in the opening and closing shots appears to be a striking visual effort at promoting the concerned, dedicated, and judicious attitudes of the reporters. As Millerson notes, when we light for a particular mood we are reminding viewers (subconsciously) of corresponding conditions and the kinds of experiences that go with them.[25] The interviewer, spotlighted against a black background and at the center of attention, is not only seen as highlighted, special, and commanding, but may be believed to be serious in thought and involvement. This may serve to heighten the perceived competence and trustworthiness of the reporters — all before they have even uttered a word.

Perhaps one of the most rhetorically clever techniques employed by "60 Minutes" is the self-critique program which they themselves produced. This self-reflective program (aired September 27, 1981) consists of discussion and criticism by a group of seven people, interspersed with program excerpts. Wallace, Don Hewitt, the executive producer, a moderator and four critics are present at the critique. There is a clear distinction between visual treatment of Wallace/Hewitt/moderator and the four critics. The first three are depicted in either medium shots or long shots — they apparently are the objective, unbiased discussants. The others, who openly criticize, attack, and challenge "60 Minutes" practices, are shown in close-ups or extreme close-ups. They are the ones who must speak under the scrutinizing eye of the camera, not the program representatives.

The notions of the available means of persuasion and credibility are as old as Aristotle, but the recognition of these elements in the visual channel of a presentation has not been widely investigated in the literature. Such an analysis of the visual structure of "60 Minutes" reveals production techniques which appear to heighten the ethos of the reporters while undermining that of the subjects. As such, the "60 Minutes" team is depicted as objective, professional, confident, and in control. Such characteristics may contribute to the portrayal of a credible and competent source whom we can trust.

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[3] Herbert Zettl, *TV Production Handbook*, (Belmont, California: Wadsworth, 1976), 174.

[4] Gerald Millerson, *Techniques of Television Production*, (New York: Hastings House, 1977), 224.

[5] Thomas Burrows and Donald Wood, *TV Production disciplines and techniques*, (Dubuque, Iowa: William C. Brown, 1978), 119.

[6] Maury Green, "The Mythology of Television," *Television Quarterly*, 9, (Spring 1970), 8.

[7] Paul Ekman and Wallace V. Friesen, *Unmasking the Face*, (Englewood Cliffs, New Jersey: Prentice-Hall, 1975), 10—14.

[8] Paul Ekman and Wallace V. Friesen, "Nonverbal Leakage and Clues to Deception," *Psychiatry*, 32, (1969), 88.

[9] Albert Mehrabian and Susan R. Ferris, "Inference of Attitudes from Nonverbal Communication in Two Channels," *Journal of Consulting Psychology*, 31, (1967), 153—158.

[10] "60 Minutes," Televised broadcast, (March 7, 1982), CBS-TV.

[11] Zettl, 275.

[12] Herbert Zettl, *Sight Sound Motion*, (Belmont, California: Wadsworth, 1973), 264.

[13] Millerson, 246.

[14] Burrows and Wood, 115.

[15] Steve R. Acker and Robert K. Tiemens, "Children's Perceptions of Changes in Size and Televised Images," *Human Communication Research*, (Summer 1981), 161.

[16] "60 Minutes," Televised broadcast, (March 14, 1982), CBS-TV.

[17] Peter Funt, "TV New Seeing Isn't Believing," *Saturday Review*, 7, (November 1980), 32.

[18] James McCroskey, *An Introduction to Rhetorical Communication*, (Englewood Cliffs, New Jersey: Prentice-Hall, 1968).

[19] Millerson, 343.

[20] James McCroskey, *Studies of the Effects of Evidence in Persuasive Communication*, (East Lansing, Michigan: Speech Communication Research Laboratory, 1967), (SRCL 4—67); and

[20] James McCroskey, "A Summary of Experimental Research in the Effects of Evidence in Persuasive Communication," *Quarterly Journal of Speech*, 55, (April 1969), 169—176.

[21] "60 Minutes," Televised broadcast, (November 22, 1981), CBS-TV.

[22] "60 Minutes," Televised breoadcast, (November 22, 1982), CBS TV.

[23] Zettl, *Sight Sound Motion*, 230.

[24] Zettl, *Sight Sound Motion*, 42.

[25] Millerson, 79.

TOWARD A GENRE OF FINAL ARGUMENT

Sharon L. Occhipinti
University of Southern Florida

The attorney's final argument to a jury has been defined as the presentation of "an orderly and persuasive statement in the summation of a position." [1] This type of forensic oratory is itself a genre of discourse.

After the jury is selected, the attorneys have only two opportunities to speak to the jurors directly: in their opening statements at the beginning of the trial, and in their final arguments after all testamentary and physical evidence has been presented but before the jury retires to deliberate. Unlike the opening statement which is designed to be an informative preview of the issues and evidence to be disclosed during the trial and the arguments about them, the final argument serves to wed the evidence adduced to the arguments presented in a directly persuasive manner.

The authors of a recent trial advocacy handbook stress that "the importance of final argument . . . is very great." [2] This summation is the attorney's unique opportunity to synthesize what he considers the salient elements of evidence received during the preceding days, weeks, or months of trial into one unified, coherent narrative. During final argument, the attorney attempts to persuade the jurors to share the attorney's view of the case and to subscribe literally to his idea of the appropriate response to the situation when writing their verdict. At this juncture of the trial, the attorney is most truly his client's advocate.

Advocacy is considered an art. Wide latitude is granted as to the final argument's content, which is restricted legally only by the precedents of past improprieties and by the basic rule that the attorney is confined to the evidence and issues in the case. As in centuries past, today's trial lawyers are offered advice, guidelines, presciptive testimonials, and models of this art to emulate.[3]

A fairly recent addition to the models for plaintiff attorneys to study, offered by Professional Techniques Libraries, is a continuing series of audiotaped recreations of final arguments given by plaintiff attorneys in civil cases to jurors who awarded plaintiff verdicts in excess of one million dollars.[4] According to a promotional brochure, by simply listening to these model "Million Dollar Arguments," attorneys can "learn several solid techniques that will help you persuade the jury." [5] One subscriber claims to have found "common trends running through them." [6]

Hample laments that although modern rhetorical critics have studied forensic oratory at length, "the focus of those studies . . . consistently has been limited." [7] Perhaps because trial transcripts are expensive to obtain and other recording devices traditionally have been barred from courtrooms, we seem to have overlooked final arguments as material for study either as individual speeches or collectively as a rhetorical genre.[8]

Simons defines "rhetorical genre" as "any distinctive and recurring pattern of rhetorical practice" and further stipulates that such a recurring pattern probably includes, "among others, 'the repeated use of images, metaphors, arguments, structural arrangements, configurations of language, or a combination of such elements.'" [9] Campbell and Jamieson believe that "a genre is a group of acts unified by a constellation of forms that recurs in each of its members," and that "in the discourses that form a genre, similar substantive and stylistic strategies are used to encompass situations perceived as similar by the responding rhetors." [10]

The subject discourse for this paper is four of the "Million Dollar" arguments, selected from thirty-two final arguments available at the time of this study and restricted in number for manageability. The purpose of this paper is to characterize briefly their situational similarities and to explore some of the recurring patterns in structure, themes, and style found in all four speeches. This limited analysis is envisioned as a preliminary step needed to guide further related study of final arguments as a genre and to lay some of the groundwork for eventual evaluation and criticism of this genre of discourse. As Mohrmann and Leff explain, "An adequate description of genre . . . points to intrinsic standards for judging a particular kind of discourse." [11]

SITUATION

The description given in the introduction of this paper of the final argument's unique situational characteristics within the jury trial holds true for all final arguments, whether given by the plaintiff or defense attorney in either a civil or criminal case. However, like almost all of the Million Dollar Arguments, the four subject speeches were given by the attorney for the plaintiff in a special kind of lawsuit known as the civil "negligence" or "personal injury" case (as contrasted to other types of civil matters such as contract disputes). The constraints of this particular situation indicate that these four arguments may belong to a sub-genre of final argument, the "plaintiff negligence" argument.

The specific circumstances giving rise to each of the

four final arguments differ. In 1977, attorney Pat Maloney of San Antonio, Texas, argued a products liability case against the defendant manufacturing company on behalf of plaintiff Jimmy Flores who was burned when a gas tank exploded.[12] Attorney Stanley Rosenblatt of Miami, Florida, spoke for Mitzi Barr whose mother was killed when a gas oven exploded; the wrongful death action was brought against the gas company and the apartment building owner.[13] Charlotte Kodack and her husband were represented by attorney Herbert M. Horowitz of New York, New York, in his 1976 argument of their claim for injuries and losses against the Americana Hotel where Mrs. Kodack tripped and fell.[14] Attorney Salvador A. Liccardo of San Jose, California, argued that a pest control company's negligence allowed the plaintiff, Alta Bakken, to suffer a fall resulting in paraplegia.[15]

Although separated by time, place, nature of injury or loss, and theory of liability, these four final arguments have common situational characteristics in that all of the speeches were given in contested cases by attorneys who argued on behalf of plaintiffs who claimed losses as a result of negligent behavior by defendants.

STRUCTURE

In addition to similarities in rhetorical situation, these four arguments have a common structure. By "structure" I mean the substantive division and arrangement of the argument's parts.

Each of these final arguments is divided into four distinguishable sections: introduction; liability (negligence) argument, focusing on the defendant's responsibility for the losses and damages suffered by the plaintiff; damages argument, concerning the nature and extent of the plaintiff's past and future losses; and conclusion.

The content of the introductions and conclusions varies as does the amount of time devoted to each section. However, the arrangement of these four sections is constant. Damages are not argued before liability. This progression from liability argument to damages argument exhibits a cause-to-effect logic. This structure reflects the order of events giving rise to the lawsuit. Initially, the defendant negligently acted or failed to act, and then as a result, the plaintiff suffered losses and damages. Similarly, the jury must first find the defendant at fault, and then assess the amount of damages. If the jury determines that the defendant was not liable, then no damages can be awarded.

Liccardo's argument indicates that supplements to these four sections may be warranted by the specific trial situation. The only addition found in these four speeches was Liccardo's insertion in his damages argument of a brief refutation of the defendant's claim of contributory negligence by the plaintiff.[16] Since the analogy Liccardo used to refute the contributory negligence claim also bolstered his damages theory, the addition did not detract from the flow of the main pattern of presentation — introduction, liability argument, damages argument, and conclusion.

Thus, the commonalities located in the rhetorical situation and the pattern of discourse structure interrelate. Individually and together, these elements of situation and structure must also influence other recurring generic elements such as recurring substantive themes within the discourse, the next element to be explored in this analysis.

THEMES

Analysis of these four arguments discloses a common major theme, imposed by situational similarities, containing the main ideas that collectively form the skeleton of the total argument. This main theme is supported by sub-themes composed of ideas closely related to the main theme.

For these four final arguments, the major theme is reducible to the following elements:

1. The defendant was negligent.
2. Due to this negligence, the innocent plaintiff suffered certain losses (damages).
3. These losses require adequate monetary compensation by the defendant.
4. The jurors are in the position to and must:
   a. declare the defendant liable; and
   b. assess the dollar amount of the plaintiff's losses.

The bulk of each speech consists of statements and assertions concerning case-specific issues and evidence, but most of these statements flow from and bear upon the common theme. Thus, the attorney describes, contends, or explains for the particular case exactly how the defendant was negligent, what constitutes negligence, how the plaintiff was damaged, what the plaintiff will require for the award to be adequate, what evidence the jurors should consider, what actions the jurors should take, and so on.

In addition to providing the skeleton which the attorney fleshes out with particulars, the four thematic statements themselves are directly expressed, individually or in combination, at some point in the final argument. Rosenblatt bluntly asserts virtually the complete theme when declaring in his conclusion:

> And the negligence . . . of (the defendants) took away Mitzi Dee Barr's mother, and they should pay for it, and you should not cut-rate my client . . . . They created this situation, they are responsible for it . . . . Don't let them off cheap.

Liccardo is also direct but more expansive when he advises the jurors in conformance with the thematic elements of 3 and 4b:

> You are here to do justice. What is justice? In a civil case like this, it means adequately compensating a person for her loss . . . to compensate

her adequately, fairly, fully, justly, for her loss, and to make her whole to the extent that money can do it.

In addition to possessing a recurring main theme, these four arguments are spiked with a number of common sub-themes which gloss or embellish the main theme. Bolstering thematic elements 3 and 4b is the sub-theme advancing the idea that money is the appropriate form of compensation for the plaintiff's losses, the only form available to the jurors. As Horowitz explains, "There is not money sufficient to replace damage that was done to her body . . . to replace and remove the pain and suffering, but that's the way you have to do this." Liccardo states, "There's no way that you can give Alta Bakken back her legs . . . . The only thing that can help her now is money." A related sub-theme explains that the jury's award is final and must be adequate. Horowitz states, "This is (the plaintiff's) final day in court . . . . She can't come back tomorrow and say to you it's worse now than it was when you folks were kind enough to sit in judgment in her case." In another sub-theme, the jurors' role as judges is emphasized. Rosenblatt declares, "You are the final arbiters." Maloney advises, "You, jurors true, are a last refuge of justice. So it must be and so it shall be in this case through your verdict." Supporting the second thematic element is the sub-theme that the plaintiff is an innocent victim of circumstances. According to Rosenblatt, "It was my client's bad luck — it could as easily have been someone else cooking" on the gas oven that exploded and killed the plaintiff's mother.

As illustrated by these textual examples, the sub-themes serve to explain and enrich elements of the primary theme that, in turn, unites the argument as a whole. Thus, the attorney's expressions of the main theme and sub-themes function to inform the novice jurors of their role and duties in the trial situation, to show them that a wrong has been committed, and that as judges, they alone have the power to right this wrong by finding the defendant liable and by awarding monetary compensation to the innocent victim.

STYLE

Another key area for generic analysis is language usage or style. In relation to the trial as a whole, the final argument can be viewed as a peroration, not only in the sense of summing up, but as emphatic recapitulation employing heightened and intensified language. During final argument, the attorneys seek to identify themselves with the jurors by using "plain talk," the ordinary language that they believe comprises the jurors' vocabularies. However, the advocates also need to paint pictures for the jurors to assist them to make the transition from the unfamiliar to the familiar, from the abstract to the concrete, in order to help them identify with the injured plaintiff and decide upon an appropriate award. Consequently, the attorneys pepper their speeches with analogies, metaphors, descriptive adjectives, rhetorical questions, and emphatic repetition of words or phrases.

Maloney's speech richly exemplifies this mix of ordinary and intensified language. The accident becomes a situation over which the plaintiff had no control when he labels it "this terrible holocaust," "this inferno," "this terrible debacle." In his introduction, he promises: "When it comes to the agony, the suffering, and the anguish in this cause, I warn you now, I'm gonna lay it on you pretty hard and pretty heavy." He keeps this promise as he turns "to the grisly audit for pain and suffering and disability and disfigurement" and speaks of "the sale of the teenage life," the life that has been placed "on the marketplace of compensation." He asks the jurors to "ascend to the heights" by awarding an unprecedented amount of "millions and millions and millions of dollars," and he himself ascends to stylistic heights in the conclusion of his speech, given a few days before Christmas, when he states:

> There's no way, is there, to describe a young man age fourteen who never had a chance. A young man whose sun is setting before it ever came up, or whose moon will never have any light, or whose star has already come out from the heavens. Don't we really say in the final analysis, it's only you, jurors true, who can bring his Christmas message. It's only you who can write in the appropriate greeting.

Among the abstractions calling for clarification, two types are common to all four speeches: legal theories and pain. When describing for the jurors the legal theory of "preponderance of the evidence when weighed," Liccardo states, "It's helpful, I think, to think in terms of the scale of justice literally, as a scale where evidence is stacked on one side and evidence is stacked on the other."

Pain, mental or physical, is a troublesome abstraction. Maloney asks, "How much pain is it to go through that Clorox bath every day and scream and scream and scream until exhaustion and unconsciousness of a sort arrive." Horowitz, who reserves his few figures of speech primarily for his damages argument, likens his client's pain to a toothache:

> Pain like a toothache. We have all had them. What do you do when you get a toothache? You walk around, you complain, you moan, you run to get any kind of medication that will take it away . . . . Pain. Pain has been the scourge of mankind.

In one of his illustrations of Mitzi Barr's mental pain and anguish, Rosenblatt describes the moments of her mother's death:

> It's bad enough, it's tragic enough, for a seven year old girl to lose her mother. But how much more tragic is it to see in one moment her mama is at a stove cooking a meal, happy, singing a song, the only mama she has ever known. And then in an instant, in a flash, a loud noise from

> out of nowhere, and her mother is on fire. Her mother is being burned. And Mitzi is seeing this. And Mitzi is powerless to do anything about it . . . to see the one person, the anchor in her life going up in smoke before her very eyes — that is the type of sight . . . that could cause combat-hardened Marines to have nervous breakdowns, or go berserk.

This analysis of style indicates that although there is a wide latitude of choice, all four attorneys combine ordinary language with intensified, descriptive language as they strive to establish common ground between themselves and the jurors while vividly illustrating incidents outside the jurors' personal experiences, abstractions, and unfamiliar concepts.

CONCLUSION

This analysis has explored some of the situational characteristics common to four of the Million Dollar arguments and has identified some recurring patterns in their structure, themes, and stylistic strategies.

In addition to sharing trial-related contextual distinctions, these four arguments belong to a sub-genre of final argument, the "plaintiff negligence argument," so called because the speeches were given by plaintiff attorneys during trials of civil negligence cases. The situational characteristics influenced the intrinsic characteristics of the final arguments. Although additional sections can be incorporated, structurally each argument was divided into four sequential sections: introduction, liability argument, damage argument, and conclusion. A general controlling theme, rooted in the situational commonalities of the arguments, operated for each argument as did sub-themes that strengthened the primary theme. These themes functioned to edify the untutored jurors that as judges, they have the power to right the wrong inflicted upon the innocent plaintiff by finding the defendant liable and by awarding appropriate monetary compensation.

Language usage is fittingly intertwined with the thematic function and situational characteristics of this sub-genre. Although the four attorneys display a wide range of style, to some degree all combine ordinary language with heightened descriptive language and their summations. Their use of "plain talk" helps the jurors identify with the speakers; the attorneys' figures of speech, rhetorical questions, and repetition of words or phrases serve to illustrate uncommon experiences vividly and to clarify abstractions and unfamiliar concepts. This style fosters identification between the jurors and the attorney and, by association, between the jurors and the plaintiff. The attorney's vivid depictions act to enhance the jurors' ability to see the trial situation as the attorney sees it, to know the proper course of action as he knows it.

Many of the attorneys contributing to the Million Dollar argument series are well-known, experienced members of the plaintiff bar. One of their arguments might be considered a model or touchstone for deductive generic analysis. Subsequent inductive study should encompass a larger number of arguments, and, ideally, the sample should include arguments made in cases where the jury awarded less than one million dollars or returned a defense verdict, for purposes of comparison and contrast. Once a more sufficient description of this sub-genre of final argument exists, other sub-genres, such as negligence arguments given by defense attorneys, should be examined and the results of each sub-generic exploration compared and contrasted. Historical research may uncover some dynamic developmental aspects of the final argument and provide additional, perhaps more macroscopic insights.

The adequate, useful identification of a genre, contemplated by Campbell and Jamieson as an interrelated and interacting "complex of elements — a constellation of substantive, stylistic, and situational characteristics," [18] is a large task. Communication scholars interested in approaching final arguments generically certainly will have what these two authors describe as "an unusual opportunity to penetrate their internal workings and to appreciate the interacting forces that create them." [19]

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[1] Scott Baldwin et al., *The Anatomy of a Personal Injury Lawsuit*, 2nd ed. (Washington, D.C.: The Association of Trial Lawyers of America, 1981), p. 387.

[2] Baldwin, p. 387.

[3] For current guidelines see for example Baldwin, pp. 387—402. For earlier advice, see for example Joseph W. Donovan, *Modern Jury Trials and Advocates*, 5th rev. ed. (New York: G. A. Jennings Co., 1924) and William C. Robinson, *Forensic Oratory, A Manual for Advocates* (Boston: Little, Brown & Co., 1893).

[4] "Million Dollar Arguments," Professional Techniques Libraries, Dallas Texas (60 minute audiocassettes), n.d., no. 1.1.

[5] "Million Dollar Arguments" promotional brochure, Professional Techniques Libraries, Dallas, Texas, n.d., n.p.

[6] "Million Dollar Arguments" promotional brochure, n.p.

[7] Dale Hample, "Motives in Law: An Adaptation of Legal Realism," *JAFA*, 15 (Winter, 1979), 156.

[8] One analysis that focused on a single final argument is: Jimmie Rogers, "John Adams Summation Speech," *SSCA*, (Winter, 1973), 134—44. Other articles focus on judicial rhetoric such as judges' written opinions and oral arguments to judges, and on voir dire and opening statements. See also examples listed by Hample, p. 156, fn. 1.

[9] Herbert W. Simons, " 'Genre-Alizing' About Rhetoric: A Scientific Approach," in *Form and Genre*, ed. Karlyn Kohrs Campbell and Kathleen Hall Jamieson (Falls Church, Va.: The Speech Comminication Association, n.d.), p. 36.

[10] Karlyn Kohrs Campbell and Kathleen Hall Jamieson, "Form and Genre in Rhetorical Criticism: An Introduction," in their *Form and Genre*, p. 20.

[11] G. P. Mohrmann and Michael C. Leff, "Lincoln at Cooper Union: A Rationale for Neo-Classical Criticism," *QJS*, 60 (Decmeber, 1974), 463.

[12] Pat Maloney, Final Argument to the Jury in the Case of *Flores v. Surtigas, et al*, *Million Dollar Arguments*, Professional Techniques Libraries, Dallas, Texas, n.d., audiocassette no. 1.1. All quotations taken from this and the three other final arguments are found in the respective tapes and are identified in the analysis by name of speaker.

[13] Stanley Rosenblatt, Final Argument to the Jury in the Case of *Barr v. Florida Realty and Peoples Gas Co.*, *Million Dollar Arguments*, Professional Techniques Libraries, Dallas, Texas, n.d., audiocassete no. 1.7.

[14] Herbert M. Horowitz, Final Argument to the Jury in the Case of *Kodack v. Americana of New York*, *Million Dollar Arguments*, Professional Techniques Libraries, Dallas, Texas, n.d., audiocassette no. 1.9.

[15] Salvador A. Liccardo, Final Argument to the Jury in the Case of *Bakken v. DeAngelo Pest Control*, *Million Dollar Arguments*, Professional Techniques Libraries, Dallas, Texas, n.d., audiocassette no. 3.11.

[16] The defense theory of contributory negligence is not permitted in all jurisdictions.

[17] Campbell and Jamieson, p. 17.

[18] Campbell and Jamieson, p. 25.

THE FOX IN THE HENHOUSE:

A Situational Analysis of the Confirmation of James Watt

Sean Patrick O'Rourke
Humboldt State University

"James Watt's idea of communing with nature," claimed comedian Mark Russell, "is a cookout in a strip mine. Bambi is leaving for Canada." [1] Senator Alan Cranston labeled Interior Secretary Watt a "puppet of the exploiters and destroyers." [2] *New York Times* columnist John Oakes called Watt, "an extremist ideologue" and a "fanatical believer in the maximum development of resources in even the most protected public lands..." [3] The Wilderness Society pulled no punches when they called Watt "the most inappropriate appointment made at (the Department of) Interior since Teapot Dome, almost 60 years ago." [4] The consensus of environmental groups seems to be echoed by Oakes when he concluded that placing Watt in the position of Secretary of the Interior was "like putting a fox in charge of a henhouse." [5]

Ever since his appointment as Secretary of the Interior in January of 1981, James Watt has been under continuous fire from political gunners across the political spectrum. As Secretary of the Interior, Watt controls 33% of America's land area, including national parks, forest lands, and wilderness areas, a total of some 770 million acres.[6] Traditionally, the position Watt holds has been seen as one of guardianship of this public land, a guardianship where resource development and environmental protection were balanced. Yet, much to the outrage of a wide variety of people, Watt has forsaken the role of guardian to become one of the biggest allies of the pro-development forces. Watt's predecessor at Interior, Cecil A. Andrus, sees the situation this way:

> Secretary of the Interior James Watt has acted since his appointment as if there is no need to protect any of our lands for future generations to use and enjoy. When the very air we breathe is rapidly deteriorating, he proposes more concessions for the polluters. When marine biologists warn that our oceans are dying, he proposes more off-shore drilling than can safely be explored and with little regard for the potential catastrophe to land and sea. With existing parks ravaged by overcrowding, he halts the purchase of new national park lands and espouses amusement park-style developments in existing parks.[7]

Amazingly enough, though, most of Watt's intentions were known well before his appointment to office. As President of the Mountain States Legal Foundation and a leader of the so-called Sagebrush Rebellion, Watt's anti-environment, pro-development views were a matter of public record.[8] Watt's clients read like a "Who's Who" of Western business and development, from Kennecott Copper to Rocky Mountain Oil and Gas Association.[9] Watt had gone on record to claim that environmentalists were "extremist" and suggested that American lands were being "ravaged as a result of the action of environmentalists."[10] These interests and comments, linked with his other well known views on environmental issues (e.g., endangered species: "We don't have to worry about endangered species; why, we can't even get rid of the cockroach." [11]) afforded opponents a clear preview of what was to come. Considering the current uproar and the prior knowledge of Watt's views, the obvious question becomes, why was Watt ever allowed in office? As Ansel Adams, renowned photographer and conservationist, recently told several members of Congress:

> In all my years, there has never been a Secretary of Interior so arrogant and intractable toward the land and its natural beauty as Watt is. It is incomprehensible how such a person, with such an attitude toward the earth, as the chief advocate for oil, gas, mining, timber, and grazing interests, could be appointed guardian of our nation's natural resources." [12]

The reason Adams finds Watt's appointment so "incomprehensible" is that all of the arguments against the appointment were made at Watt's Senate Confirmation hearings. The purpose of this paper, then, is to analyze the arguments found in the hearings and to attempt to shed some light on the puzzling decision to place a well known fox in charge of a valuable henhouse. In short the question at hand is, how could sixteen senators, voting unanimously, see their choice of James Watt to the position of Secretary of the Interior as rational, reasonable, or justified?

J. Robert Cox in his article, "Argument and the 'Definition of the Situation,'" offers an analytical tool which enables the rhetorical critic to answer the specific question at hand.[13] Cox's thesis is that social actors "negotiate a definition of situation which embraces certain subjective rules which serve to govern the interaction." [14] While Bitzer and Simon have given the rhetorical situation attention in recent years,[15] neither of them offers an appropriate method for the present analysis. As Cox notes, "Unfortunately, neither Simon nor Bitzer explains the process by which social actors construct/discover the Non-Empirical Referents of rational choice." [16] In other words, while Simon

and Bitzer allowed the critic to perceive the role played by the situation in any rhetorical event, neither adds valuable insight as to how and why social actors actually create the contextual parameters which govern decision making. Furthermore, Cox's method is specifically pertinent to the inquiry at hand. The basis of his investigation begins with the question, "How do actors' definitions of the situation lead them to interpret certain choices as being rational, reasonable, or justified?" [17] Hence, Cox directs his line of analysis toward the solution of a question similar to that being asked in this paper: How did the Senate Committee (the social actors) see their choice (the confirmation of James Watt) as reasonable?

Cox argues that actors' definitions "function in identifiable ways as context-specific 'rules' for actors' judgments and actions." [18] These context-specific rules manifest themselves in "three inventional heuristics — *closure*, *counting*, and *coherence*." [19]

Initially then, the closure rule functions "to de-limit the range and number of referents which actors take into account in deliberating about a judgment or action." [20] Actors attempt to define a "zone of relevance." [21]

In the hearings before the Committee on Energy and Natural Resources of the United States Senate, Senator Henry M. Jackson of Washington articulated the Committee's zone of relevance. Jackson claimed that a Secretary of the Interior must be prepared to follow certain principles:

> One, decisions based on land use planning, with ample public participation. Two, maximum protection of the environment. Three, receipt of fair market value for private use of public resources. And, four, close cooperation with State and local governments and local citizens.[22]

Furthermore, Jackson noted:

> The (Federal Land Policy and Management Act of 1976) tells the Secretary to recognize 'the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands . . .' It also tells him to 'preserve and protect certain lands in their natural condition . . . .' " [23]

To accomplish the closure for the argumentative situation, Jackson first outlined the principles any Interior Secretary must follow, then articulated the overall policy a Secretary ought to apply in all his work. The arguments before the Committee, then, were closed to anything outside the realm of principles and environmental balance. Senator James A. McClure of Idaho echoed the importance of the balance criteria when he read in his opening statement:

> I sincerely believe that the new Reagan administration and the new Congress have the commitment to provide the leadership for the nation; and to do so with great balance for all of the values which we cherish so dearly in this great nation.[24]

Clearly, the committee members were working to limit the range and number of referents which they could take into account in deliberating about Watt's nomination. The arguments would be closed to those pertaining to Watt's ability to balance the needs of developers and environmentalists, as well as his ability to operate within the principles demanded of any Interior Secretary.

This closure, however, tells little about why Watt was nominated. Both environmentalists and developers agreed that Watt should uphold the principles of his office and balance competing interests. The telling definition is revealed in Cox's second contextual rule, counting.

Cox claims that in the counting rule "actors' definition of the situation functions as criteria for determining 'what counts' as data; that is, what information is germane to actors' decisions." [25]

The counting rule is especially important in the committee hearings on Watt because of its direct effect on the closure rule. In the closure rule, the committee determined to question Watt on his ability to balance competing claims in his capacity as Secretary of the Interior. Yet, what is balance? Balance, of course, is dependent upon perspective. The perspective of the committee is realized in the counting rule.

In January of 1981 the Senate Committee on Energy and Natural Resources was, for the first time since 1954, ruled by a majority of Republicans. Swept into office on the coattails of Ronald Reagan and his New Federalism, the Republicans had just gained an overwhelming mandate from the people, a victory as much ideological as it was political.

The importance of the Republican victory in the decision to confirm Watt as Interior Secretary is massive. First, Watt was Reagan's appointee. The committee was predisposed toward accepting Reagan's packages which constituted the New Federalism; Watt's appointment was an integral part of that package. As *U. S. News and World Report* noted just before the confirmation hearings, "James Watt . . . will be a target of environmentalists from the first day. Reagan's decision to back Watt despite all attacks underscores the President-elect's resolve to cut the costs of anti-pollution edicts." [26] Hence, one tacit argument which "counted" heavily in Watt's favor was the Committee's knowledge that Watt was Reagan's nominee, a nominee Reagan wanted confirmed no matter what arguments were raised against him.

This strong Presidential support Watt enjoyed explains the votes of not only the Republican majority but of the Democratic minority of the committee as well.

According to Mike Harvey, Minority Counsel to the committee, the general philosophy of the committee members was that the President ought to get the person he had chosen for his cabinet. The committee members recognized that the Secretary of Interior, like all cabinet members, served at the pleasure of the President. Consequently, Harvey claimed, the Democrats would not turn Watt away simply over a difference of philosophy.[27] Apparently, Presidential support helps to explain the unanimity of the committee's confirmation vote.

Second, the committee was inclined to accept a concept of resource development/conservation balance far different than that accepted for prior Interior Secretaries. In order to stimulate economic growth through private sector initiative, the Reagan plan called for loosening of federal control of public lands, amending strip mining laws and relaxing anti-pollution rules and regulations.[28] Watt agreed with this approach by arguing that the regulatory scales had been tipped too far in favor of environmental protection and therefore needed to be put back in balance.[29] He favored protecting "individuals and the private sector from illegal and excessive bureaucratic regulation." [30] He also supported a right to "private property and the private enterprise system." [31] Watt's idea of balance corresponded not with that of prior Interior Secretaries, but rather with the concept of balance held by Reagan and the Republican controlled committee. Hence, the arguments which counted, or were germane to the committee's decision, were those arguments which supported the New Federalism, pro-development stance of the Republican majority.

A fuller understanding of Watt's confirmation, however, can be had by analysis of the coherence rule. Cox sees the coherence rule as an attempt to fit an action to an actor's perception of the situation. Cox writes, "an action is rational so long as it coheres — fits with other elements of an actor's definition of the situation or, at minimum, does not disturb more fundamental beliefs or values." [32]

In the Watt hearings, the arguments of the environmentalists failed to fit the committee's definition of the situation expressed through the counting rule. William A. Butler, general counsel of the Environmental Defense Fund, argued that Watt was incapable of balancing the management of public lands for both preservation and development because he "singlemindedly supports business interests that would severely weaken environmental safeguards, and open vast areas of Federal land to heedless exploitation." [33] Thomas L. Kimball, Executive Vice President of the National Wildlife Federation, questioned Watt's ability to "determine that disposal of a particular parcel (of land) will serve the national interest." [34] And National Audubon Society President Russell Peterson claimed that Watt's "actions and statements identify him as an aggressive, shortsighted exploiter rather than a farsighted protector of the nation's air, land, and water." [35] Yet, as *Time* noted, "the Senators found the criticism easy to disregard." [36] The reason, of course, is that the action of the environmentalists failed to fit with the Senators' definition of the situation. The arguments were not able to deny confirmation because they were not germane to the committee's decision making criteria. In fact, although the anti-Watt arguments were known well in advance, a denial of confirmation was most unexpected. *U. S. News and World Report* predicted beforehand, "Cabinet appointees will appear beginning January 6. Some critical talk, but all will get through." [37] *Time* concurred, claiming, "Reagan's Cabinet is expected to be quickly approved by the Senate this week. None faces strong opposition . . . ." [38] By the end of the hearings, liberal Massachusetts Democrat Paul Tsongas was forced to tell Watt, "you are going to be confirmed, and that will not be my doing. I am speaking mathematically. You have the votes." [39]

Tsongas was correct, of course, because Watt's arguments cohered with the committee's definition of the situation. His arguments for opening public lands for private interests, his desire to remove federal enforcement mechanisms, and his appeal to less excessive bureaucratic regulation all cohered with the committee's construction and interpretation of the situation. Hence, the environmentalists' arguments were rejected and Watt's were accepted.

Apparently, the current public outcry and "incomprehension" of Watt's confirmation stems from a misunderstanding of the rhetorical situation. Through the lens of Cox's definition of the situational analysis, comprehension of the rational basis for a controversial judgment becomes clear. The social actors, the Senators of the committee, constructed the parameters for germane arguments. Through the closure rule the decision makers limited the field of relevant arguments to the question of balancing competing claims. Yet analysis through the counting rule clearly shows that the Senators were willing to consider only those arguments which pertained to the new concept of balance, a concept weighted more toward the interests of development than previous balancing notions in other Administrations. Lastly, by viewing the confirmation hearings through Cox's lens, a critic can see that the arguments of the environmentalists failed to cohere with the social actor's definition of the situation, while Watt's arguments did cohere. When all is said and done, one no longer has difficulty seeing how James Watt was confirmed as Secretary of the Interior. Speaking metaphorically, one easily can see how the fox was put in charge of the henhouse. What remains to be seen, however, is what he does with the chickens.

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[1] "High Road to Power," *This World* March 29, 1981, p.7.

[2] "Cranston calls Watt a 'puppet,'" *Times Standard* July 24, 1981, p. 1.

[3] "Reagan and Watt's Environmental Team: The Foxes in charge of the Chicken Coop," *Democratic Congressional Campaign Committee* February 24, 1982, p. 1.

[4] "The Immediate Implementation of Wilderness Watch," *The Wilderness Society Newsletter* March 4, 1981, p. 1.

[5] *The Wilderness Society Newsletter*, p. 1.

[6] "James Watt Tackles Interior Agency Job With Religious Zeal," *Wall Street Journal* May 5, 1981, p. 1.

[7] Cecil D. Andrus, "Letter to Many Americans," *Democratic National Committee* January 12, 1982, p. 1.

[8] *This World*, pp. 12 and 30.

[9] *Natural Resources Defense Council Newsletter*, January 23, 1981, p. 2.

[10] *Natural Resources Defense Council Newsletter*, p. 2.

[11] Andrus, p. 3.

[12] T. H. Watkins, "James Gaius Watt: An Idea Whose Time Has Gone," *The Living Wilderness*, Winter, 1981, p. 43.

[13] J. Robert Cox, "Argument and the Definition of the Situation," *Central States Speech Journal* No. 32 (Fall 1981), 197—205.

[14] Cox, pp. 197—205.

[15] See Herbert A. Simon, *Models of Man: Social and Rational* (New York: Wiley, 1957), p. 202; see also Lloyd F. Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric*, 1 (1968), 1—14.

[16] Cox, p. 198.

[17] Cox, p. 197.

[18] Cox, p. 197.

[19] Cox, pp. 197 and 200.

[20] Cox, p. 200.

[21] Cox, p. 201.

[22] Hearings before the Senate Energy and Natural Resource Committee on the Proposed Nomination of James G. Watt to be Secretary of the Interior, 97th Cong., 1st sess., pt. 1 at 4.

[23] Hearings, at 4.

[24] Hearings, at 2.

[25] Cox, p. 202.

[26] "Newsgram," *U. S. News and World Report*, January 12, 1982, p. 11.

[27] Mike Harvey, Minority Counsel to the Committee on Energy and Natural Resources, telephone interview, June 18, 1982.

[28] "Now It's a Sagebrush Rebel In Charge at Interior," *U. S. News and World Report*, January 19, 1981, pp. 20—21.

[29] *U. S. News and World Report*, pp. 20—21.

[30] Hearings, at 30.

[31] Hearings, at 30.

[32] Cox, p. 203.

[33] Hearings, at 388—89.

[34] Hearings, at 399.

[35] "Hearing and Believing," *Time*, January 19, 1981, p. 19.

[36] *Time*, p. 19.

[37] *U.S. News and World Report*, January 12, 1982, p. 12.

[38] "Haig Takes the Offensive," *Time*, January 26, 1981, p. 28.

[39] "Hearing and Believing," *Time*, p. 19.